

## **REMARKS / ARGUMENTS**

Claims 20, 42-53 and 55-65 are currently pending in the application. Claims 20, 58, and 62 are amended. Claims 42, 43, 48 and 61 are cancelled. Support for these amendments can be found in the specification as originally filed. No new matter is added by the amendments. In view of the following discussion, the Applicant submits that all pending claims are in condition for allowance.

### **Objection to the Drawings Under 37 CFR §1.83(a):**

In the Office Action on page 3, the Examiner objected to the drawings under 37 CFR 1.83(a) stating that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner stated that the steel, glass fiber, concrete, steel and concrete, glass fiber and concrete, steel and glass fiber, and steel, glass fiber and concrete hollow bodies must be shown or the features canceled from the claims. Applicant has cancelled claims 48 and 61 reciting the subject claim limitations. As such, Applicant submits that the drawings show every feature of the invention specified in the current claims. Accordingly, Applicant respectfully requests that the §1.83(a) objection be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 112, second paragraph:**

In the Office Action on page 4, the Examiner rejected claims 58, 64, and 65 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner stated that claim 58 recites the limitation “the central body” without sufficient antecedent basis for the limitation. Applicant amended claim 58 to depend from claim 57 instead of claim 20. As such, Applicant submits that amended claim 58 has sufficient antecedent basis for the limitation “the central body”.

With respect to claim 64, the Examiner stated that the limitation “the radial arms” has insufficient antecedent basis. Applicant amended claim 62 to depend from claim 58. Therefore, claim 64 has sufficient antecedent basis for the limitation “the radial arms”.

With respect to claim 65, the Examiner alleges that it is unclear how Applicant is adapting electrical energy produced by the turbine. Applicant respectfully disagrees with the Examiner and traverses this rejection. Applicant submits that those skilled in the art would understand how a wind turbine is adapted to produce electrical energy not only from well known principles of electrical energy generation but also from the specification as filed. For example,

on page 10, lines 30-33, the specification recites an embodiment “operated by the electricity energy produced by the wind turbine through the transformer mounted on the installation.” At a minimum, the claim language is construable, therefore claim 65 is definite.

Accordingly, Applicant respectfully requests that the § 112 rejections be withdrawn.

**Claim Rejections Under 35 U.S.C. § 102(b) and § 103(a)**

Applicant respectfully acknowledges that the Examiner has withdrawn his §102(b) rejection as being anticipated by Japanese Patent Application Laid-open No. 2002-285951 (“‘951 reference”).

In the Office Action on page 5, the Examiner rejected claims 20, 42-47, 51, 53, 55, 59, and 65 under 35 U.S.C. 102(b) as being anticipated by WIPO International Publication Number WO 01/73292 A1 (“‘292 reference”). Applicant respectfully traverses this rejection.

Amended claim 20 recites a buoyant foundation comprising a foundation body having a lower buoyant part adapted to be submerged below a wave motion area of a body of water, having an upper part adapted to extend above the surface of the water and support a wind turbine, and comprising a tension cable tethered to the upper part and tethered to the foundation body, wherein the foundation body is adapted to be anchored with blocked vertical thrust to counterweights on a surface of a floor of a body of water, and wherein the upper part comprises a chamber for an electrical installation to control the wind turbine, and at least one storage chamber. Applicant has amended claim 20 to include the subject matter of claims 42 and 43.

The Examiner alleges that Applicant’s October 3, 2007 response is unpersuasive because there is no difference between the invention as previously claimed and the ‘292 reference. The Examiner alleges that Applicant offered no structural differences; merely that the invention is adapted to be submerged below a wave motion area of a body of water. The Examiner further alleges that the ‘292 reference can be made to be submerged below a wave motion area of a body of water based on the description given above and in the reference itself.

Applicant respectfully disagrees with the Examiner. As stated in Applicant’s October 3, 2007 response, the ‘292 reference does not disclose a foundation body having a “lower buoyant part...wherein the foundation body is adapted to be anchored with blocked vertical thrust” (i.e., the structural differences between the ‘292 reference and the present invention). In the current

Final Office Action, the Examiner cites page 10, lines 28-29 of the '292 reference which states, "The raft should be designed to lie so deep on the water that large waves can wash over it. In this manner, it is possible to stabilize the windmill at high seas." In the July 3, 2007 Final Office Action, the Examiner further cites page 4, lines 1-3 of the '292 reference referring to the foundation of the '292 reference as floating "on the water surface but also below the surface, and particularly right below the surface." Even though the '292 reference places the raft just below the surface so that large waves can wash over the raft, the '292 reference states that the foundation body (i.e., the raft) of the '292 reference is affected by waves. From page 10, line 31 through page 11, line 1, the '292 reference states, "the location of the raft in the water, incl. depth and heeling in the long and transverse direction, will be affected by the wind speed, the waves, axial forces, gyro forces, etc." Indeed, the floating platform of the '292 reference moves up and down with the waves and eventual tide (see FIG. 5 of the '292 reference). Because the floating platform of the '292 reference is affected by the waves, the floating platform of the '292 reference floats within, and not below, the wave motion area (regardless of whether it is just below the surface of the water) and does not and cannot disclose or suggest explicitly or implicitly a foundation body with blocked thrust. Indeed, the '292 reference describes the opposite of a blocked thrust apparatus.

As maintained from the October 3, 2007 response, the present invention works on a totally different principle compared to a floating platform. In contrast, the invention of amended claim 20 is not a floating platform as taught by the '292 reference, but a buoyant foundation having a "lower buoyant part...wherein the foundation body is adapted to be anchored with blocked vertical thrust". Using blocked thrust, the lower buoyant part of the foundation of the present invention is placed well below the wave motion area and thus avoids the tilting caused by wave motion. Buoyancy is the tendency to float, and the submerged buoyant part of the foundation therefore tends to thrust vertically and rise to the surface. However, the counterweights create an opposite force "locking" the foundation body in place below the wave surface. As such, the vertical thrust of the submerged buoyant foundation is blocked. Since blocked vertical thrust is not disclosed or suggested in the '292 reference and as the '292 reference is not adapted to place a lower buoyant part below a wave motion area, the '292 reference does not disclose each and every limitation of amended independent claim 20. In view of the above, Applicant respectfully submits that amended independent claim 20 is patentable

over the '292 reference. Claims 42-47, 59, and 65 depend from amended independent claim 20 and recite additional patentable features. As such, Applicant submits that claims 20, 42-47, 59, and 65 are not anticipated by the '292 reference.

Independent claim 51 recites a method of implementing a buoyant foundation adapted to support a load comprising immersing a foundation body adapted to have adjustable buoyancy with blocked thrust below a wave motion area of water; adjusting an amount of air in the foundation body to control the depth of the foundation body in the water; disposing a turbine tower having a wind turbine on an upper part of the foundation body; and attaching a counterweight to the foundation body using a tension cable.

Applicant traverses the rejection of claim 51. In view of the foregoing explanation, incorporated by reference herein, it is clear the '292 reference does not disclose or suggest a method including the steps of "...immersing a foundation body adapted to have adjustable buoyancy with blocked thrust below a wave motion area of water...and attaching a counterweight to the foundation body using a tension cable". Thus, the '292 reference does not disclose each and every limitation of independent claim 51. In view of the above, Applicant respectfully submits that independent claim 51 is patentable over the '292 reference. Claims 53 and 55 depend from independent claim 51 and recite additional patentable features. As such, Applicant submits that claims 51, 53, and 55 are not anticipated by the '292 reference. Accordingly, Applicant respectfully requests that the §102(b) rejection be withdrawn.

In the Office Action on page 6, the Examiner rejected claim 48 under 35 U.S.C. §103(a) as being unpatentable over the '292 reference and further in view of U.S. Pat. No. 2,394,764. Applicant cancelled claim 48 herein. Accordingly, the rejection is moot and should be withdrawn.

In the Office Action on page 7, paragraph 1, the Examiner rejected claims 49 and 62-63 under 35 U.S.C. §103(a) as being unpatentable over the '292 reference in view of Japanese Patent Application Laid-open No. 2002-285951 ("951 reference"). Applicant respectfully traverses this rejection.

Amended claim 20 is recited above. Claims 49 and 62-63 depend therefrom. The patentability of amended independent claim 20 over the '292 reference is discussed above and

incorporated herein by reference. The '951 reference does not employ or even hint at the principle of blocked thrust, and the '951 reference only discloses a floating body-type structure that is *partially* submerged below sea level. Thus, the '951 reference does not cure the deficiencies of the '292 reference with respect to amended independent claim 20. Thus, the combination of the '292 reference and the '951 reference does not result in the present invention as claimed. As such, Applicant submits that claims 49 and 62-63, which depend from amended claim 20, are patentable. Accordingly, Applicant respectfully requests that the §103 rejection be withdrawn.

In the Office Action on page 7, paragraph 5, the Examiner rejected claim 50 under 35 U.S.C. 103(a) as being unpatentable over the '951 reference in further view of U.S. Pat. No. 5,617,813. Applicant respectfully traverses this rejection. Claim 50 depends from claim 20. The '951 reference does not disclose all the limitations of amended claim 20 as discussed above. The 5,617,813 patent does not cure the deficiencies of the '951 reference. As such, Applicant submits that claim 50, which depends from amended claim 20, is patentable. Accordingly, Applicant respectfully requests that the §103 rejection be withdrawn.

In the Office Action on page 8, the Examiner rejected claim 52 under 35 U.S.C. 103(a) as being unpatentable over the '292 reference in further view of Great Britain Patent 849,887. Applicant respectfully traverses this rejection. Claim 52 depends from claim 51. The patentability of independent claim 51 over the '292 reference is discussed above. As the 5,617,813 patent does not cure the deficiencies with respect to the '292 reference, the combination of the '292 reference with Great Britain Patent 849,887 does not result in the present invention as claimed. As such, Applicant submits that claim 52, which depends from claim 51, is patentable. Accordingly, Applicant respectfully requests that the §103 rejection be withdrawn.

In the Office Action on page 9, paragraph 1, the Examiner rejected claim 56 under 35 U.S.C. 103(a) as being unpatentable over the '292 reference in further view of the '951 reference. Applicant respectfully traverses this rejection. Claim 56 depends from claim 51. The patentability of independent claim 51 over the '292 reference is discussed above. As the '951 reference does not cure the deficiencies with respect to the '292 reference, the combination of the '292 reference with the '951 reference does not result in the present invention as claimed. As

such, Applicant submits that claim 56, which depends from claim 51, is patentable. Accordingly, Applicant respectfully requests that the §103 rejection be withdrawn.

In the Office Action on page 9, paragraph 5, the Examiner rejected claims 57, 58, and 60 under 35 U.S.C. 103(a) as being unpatentable over the '292 reference. Applicant respectfully traverses this rejection. Claims 57, 58, and 60 depend from claim 20. The patentability of independent claim 20 over the '292 reference is discussed above. Given that the '292 reference teaches the opposite of an apparatus that employs blocked thrust, claims 57, 58, and 60 are not obvious over the '292 reference. As such, Applicant submits that claims 57, 58, and 60 are patentable. Accordingly, Applicant respectfully requests that the §103 rejection be withdrawn.

In the Office Action on page 10, the Examiner rejected claim 61 under 35 U.S.C. 103(a) as being unpatentable over the '292 reference in further view of U.S. Pat. No. 2,394,764. Applicant cancelled claim 61 herein. Accordingly, the rejection is moot and should be withdrawn.

Applicant submits that all claims pending in the patent application are in condition for allowance. The fee for the request for continued examination is included herewith. In the event there are any further fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223. Accordingly, both reconsideration of this application and its swift passage to issuance are earnestly solicited.

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Respectfully submitted,

By: s/Timothy X. Gibson/  
Timothy X. Gibson, Reg. No. 40,618  
KAPLAN GILMAN GIBSON & DERNIER LLP  
900 Route 9 North, Suite 504  
Woodbridge, New Jersey 07095  
(732) 634-7634  
*Attorneys for Applicant*